

REMARKS

Claims 1, 2 and 4-9 are pending in this application. By this Amendment, claim 1 is amended to incorporate the subject matter of claim 3, and claim 3 is canceled. Claim 2 is amended for antecedence, and claim 4 is amended to correct grammar. No new matter has been added.

I. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-9 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 7,053,145 ("Tasaka"). Applicant respectfully traverses this rejection.

Tasaka describes a cross-linked fire-retardant resin composition that may be used as a wire coating material. Tasaka, column 3, lines 27-48. The Office Action, at section 4, alleges that Tasaka describes a flame-retardant resin composition which contains a propylene resin and a thermoplastic resin that can be polymethylpentene. However, Tasaka, at column 10, lines 4-10, describes a polypropylene copolymer derived from propylene and another α -olefin such as 4-methyl-1-pentene. Tasaka does not describe a non-crosslinked base resin which contains a mixture of propylene resin containing 50 wt% or more of propylene monomer, and a polymethylpentene resin having a melting point of 180°C or more, as recited in claim 1. The α -olefin material used to prepare the polypropylene copolymer described in Tasaka is not a resin, does not have a melting point of 180°C or more, and is not used in mixture with propylene resin, as required in claim 1. Tasaka does not describe polymethylpentene resin, and further fails to provide any reason or rationale for one of ordinary skill in the art to have selected polymethylpentene resin as a resin to mix with propylene resin. Therefore, Tasaka fails to render obvious claim 1.

Finally, while Tasaka describes that additives such as an antioxidant and a filler can be incorporated into the described cross-linked fire-retardant resin composition (see Tasaka,

column 14, line 56, to column 15, line 18), Tasaka does not disclose the specific combined use of (C) a hindered phenolic antioxidant, (D) a sulfurous antioxidant, and (E) a metallic oxide, as recited in claim 1. It is clear from the specification as filed, at page 23, line 13, to page 24, line 20, and Tables 1, 2 and 4, that the combined use of functional amounts of all three of (C) a hindered phenolic antioxidant, (D) a sulfurous antioxidant, and (E) a metallic oxide results in a non-crosslinked flame-retardant resin composition with greater than expected heat resistance and durability.

Specifically, in a non-crosslinked base resin, such as that recited in claim 1, increased temperature resistance is not observed unless a metallic oxide is incorporated with sulfurous antioxidant and a phenolic antioxidant into the flame-retardant resin composition, as required in claim 1. Tables 1, 2 and 4, respectively, illustrate that heat resistance of a non-crosslinked flame-retardant resin is significantly reduced if either the sulfurous antioxidant (D) or the metallic oxide (E) is reduced to at or below a 0.1 parts by weight level, or if the hindered phenolic antioxidant (C) is not present in sufficient quantities. See Comparative Examples 1, 3 and 9, in particular.

As Tasaka does not describe the use of these three specific components in combination, and further fails to provide one having ordinary skill in the art with any reason or rationale to have attempted the use of these three components in combination, Tasaka clearly fails to render obvious claim 1 for this additional reason.

For at least the foregoing reasons, Tasaka fails to render obvious claims 1, 2 and 4-9. Accordingly, withdrawal of the rejection is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2 and 4-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Christopher A. Fasel
Registration No. 59,204

JAO:CAF/can

Date: January 6, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461